



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF REGIONAL COUNSEL**  
**REGION 5**  
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**CHICAGO, IL 60604-3590**

**FACSIMILE TRANSMITTAL FORM**

DATE: 6/8/98  
FAX RECIPIENT: Frank Biros  
DEPT/FIRM/AGENCY: DOJ  
FAX NUMBER: 202.616.6584

FAX SENDER: Kathleen Schnieders, Assistant Regional Counsel  
AGENCY: U.S. EPA, Office of Regional Counsel  
TELEPHONE: 312.353.8912  
FAX: 312.886.0747

SUBJECT: Albion-Sheridan  
NUMBER OF PAGES: 4 including the cover sheet

**COMMENTS:**

Here is the letter as well as two sample access agreements, one general and one specific. The one big bar to Decker simply signing the agreement is that they object strongly to borrowing fill material from "their property" to use in the remedy, and they would like either for the contractor to go elsewhere for fill, or they want compensation. I spoke with Connie, and her inclination was to see if Decker would sign, and if they won't we'll have to issue a U.A.O. and probably pursue enforcement proceedings. With that issue, it is difficult to conceive that this cleanup will resume within the next few weeks. What are your thoughts? Obviously, Decker and C&C can't settle this on their own.

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SR-6J

VIA FEDERAL EXPRESS

Mr. Phillip Moilanen  
Bullen, Moilanen, Klaasen & Swan  
402 South Brown Street  
Jackson, MI 49203

RE: Access to CDC's Properties Adjacent to the Albion-Sheridan Landfill Site

Dear Mr. Moilanen:

This letter concerns the Albion Landfill Superfund Site (the Site) near Albion, Michigan. The U.S. Environmental Protection Agency (U.S. EPA) hereby requests that CDC Associates, Inc. (CDC), a subsidiary of Decker Manufacturing (Decker), provide access to the properties owned by CDC, at 29951 East Erie and 18475 28 Mile Road, to U.S. EPA and its agents by signing the attached access agreement.

U.S. EPA requests that CDC's signature on the attached access agreement be provided on or before . If CDC has not provided U.S. EPA with the signed access agreement by , the U.S. EPA may be required to obtain access to CDC's property using its authority under 42 U.S.C. §9604(e) of the Superfund Law.

Please contact Kathleen K. Schnieders, Assistant Regional Counsel, at 312-353-8912 if you have any questions.

Sincerely yours,

Sally Averill  
Chief  
Remedial Response Branch 2

cc: K. Schnieders, C-14J  
J. Peterson, SR-6J  
F. Biros, U.S. DOJ  
M. Caldwell, Fink Zausmer

## CONSENT FOR ACCESS TO PROPERTY

Name: CDC Associates, Inc.

Address of Property: CDC Parcel 1 located at 29951 East Erie, Albion, MI,  
a.k.a. Parcel F of Lot 28, Tax Parcel# 13-19-362-045-10;  
CDC Parcel 2 located at 18475 28 Mile Road, Albion, MI,  
a.k.a. Parcel G of Lot 28, Tax Parcel# 13-19-362-045-20.

CDC Associates, Inc. (CDC) consents to officers, employees, and authorized representatives of the United States Environmental Protection agency (U.S. EPA) entering and having continued access to the property owned and /or controlled by CDC, relating to the above-referenced property, for the following purposes:

1. The taking of the following response actions:
  - a. The collection of soil, groundwater, leachate, air, or vegetation samples as required to design, construct, and operate and maintain the designated cleanup remedy at the Albion-Sheridan Site;
  - b. The construction of certain elements of the cleanup remedy at the Albion-Sheridan Site including, but not limited to, a landfill cap constructed with on-site borrow material, groundwater and leachate collection and treatment system, stormwater collection, retention, and infiltration system, site fence, and other items demoted in the approved design plans for the Albion-Sheridan Site; and
  - c. The operation and maintenance of the cleanup remedy at the Albion-Sheridan Site including those constructed elements listed above.

CDC realizes that these actions by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), 42 U.S.C. § 9601, et seq.

This written permission is given by CDC voluntarily with knowledge of its right to refuse and without threats or promises of any kind.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

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a.k.a. Parcel G of Lot 28, Tax Parcel 13-19-362-045-20.

CDC Associates, Inc. (CDC) consents to officers, employees, and authorized representatives of the United States Environmental Protection agency (U.S. EPA) entering and having continued access to the property owned and /or controlled by CDC, relating to the above-referenced property, for the following purposes:

1. The taking of the following response actions:
  - a. Parcel 1:
    - i) construction of a landfill cap
    - ii) restrict access to the property
  - b. Parcel 2:
    - i) manage storm water
    - ii) monitor groundwater
    - iii) use for borrow material in cap construction
2. For both Parcels, the operation and maintenance of the cleanup remedy at the Site including those constructed elements listed above.

CDC realizes that these actions by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), 42 U.S.C. § 9601, et seq.

This written permission is given by CDC voluntarily with knowledge of its right to refuse and without threats or promises of any kind.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_